



**CRIMINAL DIVISION
PUBLIC INTEGRITY SECTION
UNITED STATES DEPARTMENT OF JUSTICE**

**ELECTION FRAUD PROSECUTIONS & CONVICTIONS
BALLOT ACCESS & VOTING INTEGRITY INITIATIVE
OCTOBER 2002 – SEPTEMBER 2005**

DISTRICT OF ALASKA (2000, 2002, 2004-Voting by Ineligibles), *United States v. Rogelio Mejorada-Lopez*, Case No. 05-CR-074: Involves a Mexican citizen, Rogelio Mejorada-Lopez, who completed several voter registration applications to register to vote in Alaska and who thereafter voted in the 2000, 2002, and 2004 general elections. On August, 15, 2005, the defendant was charged by Information with three counts of voting by a non-citizen in violation of 18 U.S.C. § 611.

United States Attorney: Timothy A. Burgess (907) 271-5071
District Election Officer: Deborah A. Smith
Assistant United States Attorney: Retta Randall

STATUS: 1 person charged by information.

DISTRICT OF COLORADO (2004-Voting by Noncitizen), *United States v. Shah*, Case No. 04-CR-00458: On November 1, 2004, Ajmal Shah was indicted on charges of providing false information concerning U.S. citizenship in order to register to vote in violation of 18 U.S.C. §§ 911 and 1015(f). On March 1, 2005, the defendant was convicted on both counts.

United States Attorney: William J. Leone (303) 454-0100
District Election Officer: Tom O'Rourke

STATUS: 1 person indicted; 1 person convicted.

NORTHERN DISTRICT OF FLORIDA (2002-Registration Fraud), *United States v. Chaudhary, a/k/a Usman Ali*, Case No. 04-CR-00059: On November 9, 2004, an indictment was returned against Chaudhary charging misuse of a social security number in violation of 42 U.S.C. § 408 and making a false claim of U.S. citizenship on a 2002 driver's license application in violation of 18 U.S.C. § 911. A superseding indictment was returned on January 4, 2005, charging the defendant with falsely claiming U.S. citizenship on a driver's license application and on the accompanying voter registration application. On May 18, 2005, the defendant was convicted by a jury of the false citizenship claim on his voter registration application.

United States Attorney: Gregory Robert Miller (850) 942-8430
District Election Officer: Len Register
Supervisory Assistant United States Attorney: Karen Rhew

STATUS: 1 person indicted; 1 person convicted.

NORTHERN DISTRICT OF FLORIDA (2000-Voting by Non-citizen), *United States v. Mohsin Ali*, Case No. 4:05-CR-47: On September 26, 2005, a misdemeanor information was filed against Mohsin Ali charging him with voting by a non-citizen in violation of 18 U.S.C. § 611.

United States Attorney: Gregory Robert Miller (850) 942-8430
District Election Officer: Len Register
Supervisory Assistant United States Attorney: Karen Rhew
Assistant United States Attorney: Winifred NeSmith

STATUS: 1 person charged by information.

SOUTHERN DISTRICT OF FLORIDA (Voting by Noncitizen), *United States v. Velasquez*, Case No. 03-CR-20233: On March 20, 2003, Rafael Velasquez, a former candidate for the Florida legislature, was indicted on charges of misrepresenting U.S. citizenship in 1998 in connection with voting and for making false statements in 2001 to the Immigration and Naturalization Service, in violation of 18 U.S.C. §§ 911, 1015(f) and 1001. On September 9, 2003, the defendant was convicted by a jury on two counts of making false statements on his naturalization application to the INS concerning his voting history.

United States Attorney: R. Alexander Acosta (305) 961-9100
District Election Officer: Karen Rochlin

STATUS: 1 person indicted; 1 person convicted.

SOUTHERN DISTRICT OF FLORIDA (Voting by Noncitizen), *United States v. McKenzie*, Case No. 04-CR-60160; *United States v. Francois*, No. 04-CR-20488; *United States v. Exavier*, No. 04-CR-60161; *United States v. Lloyd Palmer*, No. 04-CR-60159; *United States v. Velrine Palmer*, No. 04-CR-60162; *United States v. Shivdayal*, No. 04-CR-60164; *United States v. Rickman*, No. 04-CR-20491; *United States v. Knight*, No. 04-CR-20490; *United States v. Sweeting*, No. 04-CR-20489; *United States v. Lubin*, No. 04-CR-60163; *United States v. Bennett*, No. 04-CR-14048; *United States v. O'Neil*, No. 04-CR-60165; *United States v. Torres-Perez*, No. 04-CR-14046; *United States v. Phillip*, No. 04-CR-80103; *United States v. Bain Knight*, No. 04-CR-14047: On July 15, 2004, fifteen noncitizens were charged with voting in various elections beginning in 1998 in Broward, Miami-Dade, St. Lucie, Martin, or

Palm Beach County in violation of 18 U.S.C. § 611, and four of these defendants were also charged with making false citizenship claims in violation of 18 U.S.C. §§ 911 or 1015(f). Ten defendants were convicted, one defendant was acquitted, and charges against four defendants were dismissed upon motion of the government

United States Attorney: R. Alexander Acosta (305) 961-9100
District Election Officer: Karen Rochlin

STATUS: 15 persons indicted; 10 persons convicted; 1 person acquitted; 4 cases dismissed.

SOUTHERN DISTRICT OF ILLINOIS (2002-Ballot Forgery), *United States v. Brooks*, Case No. 03-CR-30201: East St. Louis election official Leander Brooks was indicted on October 24, 2003, on charges of submitting fraudulent ballots in the 2002 general election in St. Clair County in violation of 42 U.S.C. §§ 1973i(c), 1973i(e), 1973gg-10(2)(B), and 18 U.S.C. §§ 241 and 371. The defendant pled guilty to all charges on February 12, 2004.

United States Attorney: Ronald J. Tenpas (618) 628-3700
District Election Officer: Hal Goldsmith

STATUS: 1 person indicted; 1 person convicted.

SOUTHERN DISTRICT OF ILLINOIS (2004-Vote Buying), *United States v. Scott*, Case No. 05-CR-30040; *United States v. Nichols*, No. 05-CR-30041; *United States v. Terrance Stith*, No. 05-CR-30042; *United States v. Sandra Stith*, No. 05-CR-30043; *United States v. Powell, et al.*, No. 05-CR-30044: On March 22, 2005, four Democratic precinct committeemen in East St. Louis, St. Clair County, were charged by information with vote buying in the 2004 general election in violation of 42 U.S.C. § 1973i(c). All four pled guilty the same day. Also on March 22, a grand jury indicted four additional Democratic precinct committeemen and one precinct worker on conspiracy and vote buying charges in violation of 18 U.S.C. § 371 and 42 U.S.C. § 1973i(c). A jury convicted all five defendants on June 29, 2005.

United States Attorney: Ronald J. Tenpas (618) 628-3700
District Election Officer: Hal Goldsmith

STATUS: 5 persons indicted; 4 persons charged by information; 9 persons convicted.

DISTRICT OF KANSAS (2002 & 2000-Double Voting), *United States v. McIntosh*, Case No. 04-CR-20142: A felony information was filed on October 28, 2004, against McIntosh for voting in both Wyandotte County, Kansas, and Jackson County, Missouri, in the general elections of 2002 and 2000 in violation of 42 U.S.C. § 1973i(e). A superseding misdemeanor information was filed on December 15, 2004, charging McIntosh with causing the deprivation of

constitutional rights in violation of 18 U.S.C. § 242, to which the defendant pled guilty on December 20, 2004.

United States Attorney: Eric F. Melgren (316) 269-6481

District Election Officer: Leon Patton

STATUS: 1 person charged by information; 1 person convicted.

EASTERN DISTRICT OF KENTUCKY (1998-Vote Buying), *United States v. Conley*, Case No. 03-CR-00013; *United States v. Slone*, No. 03-CR-0014; *United States v. Madden*, No. 03-CR-00015; *United States v. Slone, et al.*, No. 03-CR-00016; *United States v. Calhoun*, No. 03-CR-00017; *United States v. Johnson*, No. 03-CR-00018; *United States v. Newsome, et al.*, No. 03-CR-0019: Six persons were indicted on March 28, 2003, and four more persons were indicted on April 24, 2003, on charges of buying votes in connection with the 1998 primary in Knott County in violation of 42 U.S.C. § 1973i(c). Five of the ten defendants pled guilty, two were convicted at trial, and three were acquitted. One defendant has appealed his conviction.

United States Attorney: Gregory F. Van Tatenhove (859) 233-2661

Criminal Chief/District Election Officer: James A. Zerhusen

Public Integrity Section Trial Attorney: Richard C. Pilger

STATUS: 10 persons indicted; 7 persons convicted; 3 persons acquitted.

EASTERN DISTRICT OF KENTUCKY (2002-Vote Buying), *United States v. Hays, et al.*, Case No. 03-CR-00011: On March 7, 2003, ten defendants were indicted on charges of conspiracy and vote buying for a local judge, John Doug Hays, in Pike County in the November 2002 general election in violation of 42 U.S.C. § 1973i(c) and 18 U.S.C. § 371. Five defendants were convicted, one defendant was acquitted, and charges against four defendants were dismissed upon motion of the government.

United States Attorney: Gregory F. Van Tatenhove (859) 233-2661

District Election Officer: James A. Zerhusen

Assistant United States Attorney: Ken Taylor

STATUS: 10 persons indicted; 5 persons convicted; 1 person acquitted; 4 cases dismissed.

EASTERN DISTRICT OF KENTUCKY (2000-Vote Buying & Mail Fraud), *United States v. Turner, et al.*, Case No. 05-CR-00002: A grand jury indicted three defendants on May 5, 2005, for vote buying and mail fraud in connection with the 2000 elections in Knott, Letcher, Floyd, and Breathitt Counties in violation of 42 U.S.C. § 1973i(c) and 18 U.S.C. § 1341.

United States Attorney: Gregory F. Van Tatenhove (859) 233-2661
Criminal Chief/District Election Officer: James A. Zerhusen
Assistant United States Attorney: Ken Taylor

STATUS: 3 persons indicted.

MIDDLE DISTRICT OF LOUISIANA (2002-Perjury, Registration Fraud), *United States v. Braud*, Case No. 03-CR-00019: On March 6, 2003, Tyrell Mathews Braud was indicted on three counts of making false declarations to a grand jury in connection with his 2002 fabrication of eleven voter registration applications, in violation of 18 U.S.C. § 1623. Braud pled guilty to all counts on May 2, 2003.

United States Attorney: David R. Dugas (225) 389-0443
District Election Officer: James Stanley Lemelle

STATUS: 1 person indicted; 1 person convicted.

WESTERN DISTRICT OF LOUISIANA (2002-Registration Fraud), *United States v. Thibodeaux*, Case No. 03-CR-60055: St. Martinsville City Councilwoman Pamela C. Thibodeaux was indicted on December 10, 2003, for conspiring to submit false voter registration information, in violation of 18 U.S.C. § 371 and 42 U.S.C. § 1973i(c). The defendant pled guilty to both charges on April 12, 2005.

United States Attorney: Donald W. Washington (337) 262-6618
District Election Officer: William Flanagan

STATUS: 1 person indicted; 1 person convicted.

WESTERN DISTRICT OF MISSOURI (2004, 2002, & 2000-Double Voting), *United States v. Scherzer*, Case No. 04-CR-00401; *United States v. Goodrich*, No. 04-CR-00402; *United States v. Jones*, No. 05-CR-00257; *United States v. Martin*, No. 05-CR-00258: On December 13, 2004, two misdemeanor informations were filed charging Lorraine Goodrich and James Scherzer, Kansas residents who voted in the 2002 and 2000 federal elections in both Johnson County, Kansas and Kansas City, Missouri, with causing the deprivation of the constitutional right to vote for federal candidates by casting spurious ballots in violation of 18 U.S.C. §§ 242 and 2. Goodrich pled guilty on January 7, 2005, and Scherzer pled guilty on March 28, 2005.

On July 19, 2005, similar misdemeanor informations were filed charging section 242 violations in the 2004 general election by Tammy J. Martin, who voted in both Independence and Kansas City, Missouri, and Brandon E. Jones, who voted in both Raytown and Kansas City, Missouri.

On September 8, 2005, Brandon E. Jones pled guilty to voting in both Raytown and Kansas City, Missouri, on November 4, 2004.

United States Attorney: Todd P. Graves (816) 426-3122

District Election Officer: Dan Stewart

STATUS: 4 persons charged by information; 3 persons convicted.

DISTRICT OF NEW HAMPSHIRE (2002-Civil Rights), *United States v. Raymond*, Case No. 04-CR-00141; *United States v. McGee*, No. 04-CF-00146; *United States v. Tobin*, No. 04-CR-00216; *United States v. Hansen*, No. 05-CR-00054: On June 21, 2004, two informations were filed charging Allen Raymond, former president of a Virginia-based political consulting firm called GOP Marketplace, and Charles McGee, former Executive Director of the New Hampshire State Republican Committee, with conspiracy to commit telephone harassment using an interstate phone facility in violation of 18 U.S.C. § 371 and 47 U.S.C. § 223. The charges stem from a scheme to block the phone lines used by two Manchester organizations to arrange drives to the polls during the 2002 general election. Raymond pled guilty on June 20, 2004, and McGee pled guilty on July 28, 2004.

On December 1, 2004, James Tobin, former New England Regional Director of the Republican National Committee, was indicted on charges of conspiring to commit telephone harassment using an interstate phone facility in violation of 18 U.S.C. § 371 and 47 U.S.C. § 223. On

April 7, 2005, an information was filed charging Shaun Hansen, the principal of an Idaho telemarketing firm called MILO Enterprises which placed the harassing calls, with conspiracy and aiding and abetting telephone harassment in violation of 18 U.S.C. §§ 371 and 2 and

47 U.S.C. § 223. On May 9, 2005, the information against Hansen was dismissed upon motion of the government, and on May 18, 2005, a superseding indictment was returned against Tobin charging conspiracy to impede the constitutional right to vote for federal candidates in violation of 18 U.S.C. § 241 and conspiracy to make harassing telephone calls in violation of 47 U.S.C.

§ 223. Trial is set to begin December 6, 2005.

Computer Crimes and Intellectual Property Section (CCIPS), Criminal Division

Chief: Martha Stansell-Gamm (202) 514-1026 (CCIPS)

Trial Attorneys: Andrew Levchuk (CCIPS)

Nicholas Marsh (Public Integrity Section)

STATUS: 1 person indicted; 2 persons charged by information; 2 persons convicted.

WESTERN DISTRICT OF NORTH CAROLINA (2002 & 2000-Voting by Noncitizen), *United States v. Workman*, Case No. 03-CR-00038: On April 7, 2003, a ten-count indictment was returned charging Joshua Workman, a Canadian citizen, with voting and related offenses in the 2002 and 2000 primary and general elections in Avery County in violation of 18 U.S.C.

§§ 611, 911, 1001, and 1015(f). On June 30, 2003, the defendant pled guilty to charges of providing false information to election officials and to a federal agency.

United States Attorney: Gretchen C.F. Shappert (704) 344-6222
District Election Officer: Richard Edwards

STATUS: 1 person indicted; 1 person convicted.

WESTERN DISTRICT OF NORTH CAROLINA (2002-Vote Buying), *United States v. Shatley, et al.*, Case No. 03-CR-00035: On July 30, 2003, a grand jury returned a nine-count indictment charging Wayne Shatley, Anita Moore, Valerie Moore, Carlos “Sunshine” Hood and Ross “Toogie” Banner with conspiracy and vote buying in the Caldwell County 2002 general election in violation of 42 U.S.C. § 1973i(c) and 18 U.S.C. § 371. Anita Moore pled guilty on March 12, 2004. Valerie Moore pled guilty on April 28, 2004, and cooperated in the investigation. Wayne Shatley, Carlos “Sunshine” Hood, and Ross “Toogie” Banner were convicted by a jury of all counts on May 14, 2004.

United States Attorney: Gretchen C.F. Shappert (704) 344-6222
District Election Officer: Richard Edwards

STATUS: 5 persons indicted; 5 persons convicted.

WESTERN DISTRICT OF PENNSYLVANIA (Voter Intimidation), *United States v. Stewart*, Case No. 05-CR-00127; *United States v. Schiralli*, No. 05-CR-00126: On May 3, 2005, two sheriff’s deputies in Allegheny County, Richard A. Stewart, Jr., and Frank Schiralli, were indicted on charges of making false declarations to the grand jury in violation of 18 U.S.C. § 1623.

United States Attorney: Mary Beth Buchanan (412) 644-3500
First Assistant United States Attorney: Robert Cessar
District Election Officer: A. Elliott McLean
Assistant United States Attorney: Stephen S. Stallings

STATUS: 2 persons indicted.

SOUTHERN DISTRICT OF WEST VIRGINIA (2004, 2002, & 2000-Vote Buying), *United States v. Mendez*, Case No. 04-CR-00101; *United States v. Porter*, No. 04-CR-00145; *United States v. Hrutkay*, No. 04-CR-00149; *United States v. Stapleton*, No. 04-CR-00173; *Thomas E. Esposito*, No. 05-CR-00002: A felony information was filed on May 7, 2004, charging Logan County Sheriff Johnny Mendez with conspiracy to defraud the United States in violation of

18 U.S.C. § 371. Mendez pled guilty on July 19, 2004. On July 30, 2004, a felony information was filed charging former Logan County Police Chief Alvin Ray Porter, Jr., with making expenditures to influence voting in violation of 18 U.S.C. § 597. Porter pled guilty on December 7, 2004. On August 10, 2004, Logan County attorney Mark Oliver Hrutkay was charged by information with mail fraud in violation of 18 U.S.C. §1341. Hrutkay pled guilty on January 7, 2005.

On September 9, 2004, Ernest Stapleton, Commander of the local VFW, was charged by information with mail fraud. Stapleton pled guilty on October 29, 2004. Finally, on January 10, 2005, an information was filed charging Thomas E. Esposito, a former Mayor of the City of Logan, with concealing the commission of a felony in violation of 18 U.S.C. § 4.

Acting United States Attorney: Charles T. Miller (304) 345-2200
District Election Officer: Larry Ellis
Assistant United States Attorney: Booth Goodwin

STATUS: 5 persons charged by information; 4 persons convicted.

SOUTHERN DISTRICT OF WEST VIRGINIA (1990-2004 Vote Buying), *United States v. Adkins, et al.*, Case No. 04-CR-00162: On August 25, 2004, Jackie Adkins was indicted for vote buying in Lincoln County in 2002 in violation of 42 U.S.C. § 1973i(c). A superseding indictment was returned on November 16, 2004, which added Wandell “Rocky” Adkins to the indictment and charged both defendants with conspiracy to buy votes in violation of 18 U.S.C. § 371 and additional substantive vote buys. A second superseding indictment was returned on May 5, 2005, which added three additional defendants, Gregory Brent Stowers, Clifford Odell “Groundhog” Vance, and Toney “Zeke” Dingess, to the conspiracy and vote buying indictment.

Acting United States Attorney: Charles T. Miller (304) 345-2200
District Election Officer: Larry Ellis
Assistant United States Attorney: Karen George

STATUS: 5 persons indicted.

EASTERN DISTRICT OF WISCONSIN (2004-Registration Fraud), *United States v. Davis*, Case No. 05-MJ-00454; *United States v. Byas*, No. 05-MJ-00455; *United States v. Ocasio*, No. 05-CR-00161; *United States v. Prude*, No. 05-CR-00162; *United States v. Sanders*, No. 05-CR-00163; *United States v. Alicea*, No. 05-CR-00168; *United States v. Brooks*, No. 05-CR-00170; *United States v. Hamilton*, No. 05-CR-00171; *United States v. Little*, No. 05-CR-00172; *United States v. Swift*, No. 05-CR-00177; *United States v. Anderson*, No. 05-CR-00207; *United States v. Cox*, No. 05-CR-00209; *United States v. Edwards*, No. 05-CR-00211; *United States v. Gooden*, No. 05-CR-00212: On June 23, 2005, criminal complaints were issued against Brian L. Davis and Theresa J. Byas charging them with double voting in violation of 42 U.S.C.

§ 1973i(e). Five days later indictments were returned against convicted felons Milo R. Ocasio and Kimberly Prude, charging them with falsely certifying that they were eligible to vote in violation of 42 U.S.C. § 1973gg-10(2)(B), and against Enrique C. Sanders, charging him with multiple voting in violation of 42 U.S.C. § 1973i(e). On July 12, 2005, five more indictments were returned charging Cynthia C. Alicea with multiple voting in violation of 42 U.S.C. § 1973i(e) and convicted felons Deshawn B. Brooks, Alexander T. Hamilton, Derek G. Little, and Eric L. Swift with falsely certifying that they were eligible to vote in violation of 42 U.S.C. § 1973gg-10(2)(B).

On August 16, Indictments were filed against Brian L. Davis and Theresa J. Byas charging them with double voting in violation of 42 U.S.C. § 1973i(e). In addition, on the same day four more Indictments were returned charging convicted felons Ethel M. Anderson, Jiyto L. Cox, Correan F. Edwards, and Joseph J. Gooden with falsely certifying that they were eligible to vote in violation of 42 U.S.C. § 1973gg-10(2)(B).

On September 16, 2005, Milo R. Ocasio pled guilty and on September 21, 2005, Kimberly Prude was found guilty by a jury. On September 22, 2005, the court declared a mistrial in the case of the *United States v. Sanders*. On September 23, 2005, USA Biskupic filed a motion and order seeking leave to communicate with jurors to assist in determining whether to retry the defendant and permission was granted.

United States Attorney: Steven M. Biskupic (414)297-1700
District Election Officer: Richard Frohling

STATUS: 14 persons indicted; 2 persons convicted.

ELECTION FRAUD PROSECUTIONS SINCE OCTOBER 2002

ELECTION FRAUD OFFENSES	
	Total Number
PERSONS CHARGED (BY INDICTMENT, INFORMATION, OR COMPLAINT)	95
CONVICTIONS	55
DISMISSALS BY THE GOVERNMENT	8
ACQUITTALS	5